EXPLANATORY MEMORANDUM TO

THE UNITED KINGOM INTERNAL MARKET ACT 2020 (EXCLUSIONS FROM MARKET ACCESS PRINCIPLES: GLUE TRAPS) REGULATIONS 2026

2026 No. 79

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

1.2 This Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Baroness Hayman of Ullock, Parliamentary Under-Secretary of State at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Sarah Swash, Deputy Director for National Biodiversity, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Nick Bagshaw at the Department for Environment, Food and Rural Affairs Telephone: 07984 714323 or email: Nick.Bagshaw@defra.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument is being made to create an exclusion from the market access principles in Part 1 of the United Kingdom Internal Market Act 2020 ("UKIM Act") for legislation so far as it prohibits the sale of glue traps.

4.2 For an explanation of the market access principles, see Section 7 of this Explanatory Memorandum, and for the meaning of 'sale' see Section 5.6.

4.3 The effect of this amendment is that the market access principles will not apply to, or affect the operation of, any legislation so far as it prohibits the sale of glue traps in any part of the United Kingdom.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 Glue traps are used for rodent control but are widely recognised as inhumane, causing suffering of trapped animals through dehydration, starvation, torn skin, broken limbs and even self-mutilation. They are also non-discriminate, often catching non-target species, ranging from robins to domestic cats, with fatal consequences.

5.2 Animal welfare is a devolved matter.

5.3 Legislation to ban the use of glue traps in England and Wales is already in effect via the Glue Traps (Offences) Act 2022 and The Agriculture (Wales) Act 2023. Neither country has banned sale; in England, it remains legal to use a glue trap under licence to catch rodents in exceptional circumstances to preserve public health or safety where there is no suitable alternative.

5.4 There are currently no prohibitions or restrictions on the use, sale or possession of glue traps in Northern Ireland.

5.5 The Wildlife Management and Muirburn (Scotland) Act 2024 makes provision for a ban on the use, supply and possession of glue traps in Scotland. These provisions have not yet been brought into force.

5.6 The meaning of supply under the Wildlife Management and Muirburn (Scotland) Act 2024 Act is as follows:

(a) selling it,

(b) exchanging it for a consideration other than money,

(c) giving it as a prize or otherwise making a gift of it,

(d) otherwise making the glue trap available

5.7 As stated in Section 4.1, this instrument is being made to create an exclusion from the market access principles in Part 1 of the UKIM Act for legislation so far as it prohibits the sale of glue traps.

5.8 The UKIM Act contains two market access principles: mutual recognition and non-discrimination. How the market access principles affect the sale of goods is set out below.

5.9 The principle of mutual recognition means that a good that can be lawfully sold in the part of the UK in which it has been produced or imported into may be sold in any other part of the UK without needing to comply with any relevant requirements applying to the sale in that other part of the UK.

What was the previous policy, how is this different?

5.10 Prior to 2022, glue traps could be used across the UK without any restrictions. As set out above, Wales and England have since banned the use of glue traps (with some limited exceptions for professional pest controllers in England), and Scotland have since sought to introduce restrictions on using, supplying, possessing or selling glue traps via the Wildlife Management and Muirburn (Scotland) Act 2024.

5.11 Noting that their ban on sale would engage the UKIM mutual recognition principle, meaning that that their ban on sale of glue traps in Scotland would not be legally enforceable, the Scottish Government wrote to the UK government seeking for glue traps to be excluded from the application of the UKIM market access principles.

5.12 This has been agreed by the UK Government, and this instrument sets out to create an exclusion from the market access principles in Part 1 of the UKIM Act for legislation so far as it prohibits the sale of glue traps.

6. Legislative and Legal Context

How has the law changed?

6.1 Part 1 of the UKIM Act establishes two market access principles which apply in relation to the sale of goods, the mutual recognition principle and the non-discrimination principle, discussed in Section 7. Schedule 1 to the UKIM Act sets out exclusions from those principles, while section 10(2) of the Act provides that the Secretary of State may amend Schedule 1 by regulations.

6.2 References to 'sale' in Part 1 of the UKIM Act are to be interpreted in accordance with section 15 of that Act. In particular, they include other forms of supply of goods: see section 15(5) and (6). The reference to the sale of glue traps in paragraph 14 of Schedule 1, as inserted by this instrument, has the meaning given by section 15 (since Schedule 1 is introduced by section 10(1), in Part 1 of the UKIM Act). References to 'sale' in this explanatory memorandum have the same meaning.

6.3 As required by section 10(7) of the UKIM Act, the Secretary of State has had regard to the importance of facilitating the access to the market within Great Britain for qualifying Northern Ireland goods.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Extensive discussions have taken place with the devolved governments. No concerns have been raised by the devolved governments concerning the impact of the UKIM exclusion concerning glue traps.

8. Applicable Guidance

8.1 No guidance is to be issued.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as its impact falls below the de minimis threshold (+/-£10m Equivalent Annual Net Direct Costs on Business) set out in the Better Regulation Framework.

9.2 The UKIM exclusion is expected to have a minimal economic impact while delivering clear animal welfare benefits. The Scottish glue trap market, covering both amateur and professional use, is estimated to generate annual profits between £48,400 and £437,500, with an average value of £198,200. This represents a small, negligible loss to the wider UK economy.

9.3 Glue traps sold in the UK are almost entirely manufactured overseas, over 99% according to industry estimates, therefore the exclusion may reduce UK imports.

However, given the limited market size and the increasing availability of effective alternatives, the overall trade impact is expected to be minimal.

Impact on businesses, charities and voluntary bodies

9.4 The instrument is not expected to have a substantial or disproportionate impact on small or medium-sized businesses as glue trap sales are highly dispersed across various retail outlets, including hardware stores, garden centres, and convenience shops. The use of glue traps is already banned in England and Wales, and Scotland have passed legislation for a ban on use, possession and supply, therefore the ban on sale in Scotland would result in a low level of impact per business in the UK.

9.5 Small and micro businesses are expected to be affected proportionately, with no substantial burden. The measure does not introduce complex compliance requirements or significant operational changes. Impacts are primarily one-off and minor, such as stock removal and staff guidance.

9.6 We expect a limited indirect impact on the public sector in Scotland associated with the regulatory burden of enforcing the prohibition on sale of glue traps. That impact is not directly caused by this instrument and so has not been addressed further. This is a matter for the Scottish Government in their assessment of the Wildlife Management and Muirburn (Scotland) Act 2024.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The UKIM Act requires that during the permitted period the Secretary of State must carry out a review of any use that has been made of the powers conferred by sections 6(5), 8(7), and 10(2) of that Act. This instrument is using the power conferred by section 10(2) of the UKIM Act.

10.2 The permitted period is the period beginning with the third anniversary of the passing of the UKIM Act and ending with the fifth anniversary.

10.3 The instrument does not include a statutory review clause and, in line with the requirements of section 28(2)(b) of the Small Business, Enterprise and Employment Act 2015, the Parliamentary Under Secretary of State for Environment, Food and Rural Affairs, Baroness Hayman of Ullock, has made the following statement:

"As the review required by section 13 of the United Kingdom Internal Market Act 2020 of the use of the amendment powers in Part 1 of that Act will encompass this instrument, it is not appropriate in the circumstances for this instrument to make provision for a separate review".

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 In accordance with section 10(9) of the UKIM Act, the Secretary of State has sought the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.

11.2 This instrument delivers on a commitment made by Douglas Alexander MP, Minister of State for Trade Policy and Economic Security, agreeing an exclusion from the UKIM Act's market access principles regarding the sale of rodent glue traps in Scotland on the basis that this has a minimal economic impact on trade within the UK: Written statements - Written questions, answers and statements - UK Parliament[1]

12. European Convention on Human Rights

12.1 The Parliamentary Under Secretary of State for Environment, Food and Rural Affairs (Minister for Nature) has made the following statement regarding Human Rights:

"In my view the provisions of the United Kingdom Internal Market Act 2020 (Exclusions form Market Access Principles: Glue Traps) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").

[1] https://questions-statements.parliament.uk/written-statements/detail/2024-12-12/hcws299